

REC'D JUL - 8 2005

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NUMBER: 499-737

J. ROBERT WOOLEY, AS
ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA

VERSUS

AMCARE HEALTH PLANS OF LOUISIANA, INC.

FILED: _____

DEPUTY CLERK

**MOTION FOR ENTRY OF CONSENT JUDGMENT INVOLVING
CLAIMS AGAINST M. LEE PEARCE**

NOW INTO COURT through undersigned counsel comes J. Robert Wooley, Commissioner of Insurance for the State of Louisiana in his capacity as Liquidator of AmCare Health Plans of Louisiana, Inc. In Liquidation ("AmCare-LA") through Marlon V. Harrison, Receiver for AmCare Health Plans of Louisiana, Inc. in Liquidation (the "Receiver") and M. Lee Pearce, who respectfully represent that the parties desire and are entitled to the entry of a consent judgment as to the claims of AmCare-LA against M. Lee Pearce in the form attached hereto and incorporated herein. A previous judgment as to the claims of AmCare-LA against M. Lee Pearce was submitted to the Court in error.

WHEREFORE, Marlon V. Harrison, Receiver for AmCare Health Plans of Louisiana, Inc. in Liquidation and M. Lee Pearce pray that the proposed consent judgment as to the claims of AmCare Health Plans of Louisiana in Liquidation against M. Lee Pearce be granted; that notice of this motion and order and the Court's ruling be given by posting a copy of this motion and order and the Court's ruling on the Louisiana Department of Insurance website at www.lidi.la.gov; Office Directory; Receivership; Domestic Receivers in receivership-Open; AmCare Health Plans of Louisiana; Receivership Pleadings and that such be deemed sufficient notice to all interested persons or entities, and the judgment be certified as a final judgment for purposes of appeal by this Court for the reasons that the judgment as prayed for will dismiss all claims of AmCare-LA against Pearce with prejudice and there is no just reason for delay since Pearce will no longer be a party to the recovery actions in accordance with Louisiana Code of Civil Procedure article 1915, and for all other

DIVISION:

2005 JUL 05 AM 11:15

011527

appropriate relief.


RESPECTFULLY SUBMITTED,

BY ATTORNEYS FOR
J. Robert Wooley
Commissioner of Insurance
for the State of Louisiana
in his capacity as Liquidator of
AmCare Health Plans of Louisiana, Inc.

Buser & Associates, APLC

BY: 

Sue Buser #18151
1518 Highway 30 East
Gonzales, LA 70737
Telephone: (225) 644-6100
Fax: (225) 644-6111


William C. Kaufman, III
Seale, Smith, Zuber & Barnette
8550 United Plaza Boulevard
Suite 200
Baton Rouge, LA 70809
Attorneys for M. Lee Pearce

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NUMBER: 499-737

DIVISION: D

J. ROBERT WOOLEY, AS
ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA
VERSUS
AMCARE HEALTH PLANS OF LOUISIANA, INC.

FILED: _____

DEPUTY CLERK

CONSENT JUDGMENT

Considering the foregoing Motion and Incorporated Memorandum Requesting Approval of Settlement of the Claims of M. Lee Pearce filed on behalf of AmCare Health Plans of Louisiana, Inc. In Liquidation, and the Court finding that the parties are entitled to the relief granted:

IT IS ORDERED, ADJUDGED AND DECREED that the Motion Requesting Approval of Settlement of the Claims of M. Lee Pearce be and hereby is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the proposed settlement with M. Lee Pearce be and hereby is APPROVED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Receiver for AmCare Health Plans of Louisiana, Inc. In Liquidation be and hereby is authorized to enter into the proposed settlement agreement with M. Lee Pearce, and AmCare Health Plans of Texas, Inc. In Receivership, AmCare Management, Inc. In Receivership, and AmCare Health Plans of Oklahoma, Inc. In Receivership, and to sign such documents, to take such actions as may be required to accomplish same, and to implement same, in the sole discretion of the Receiver.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the settlement is fair and equitable to all interested parties and claimants (including all creditors of AmCare-LA); that the Receiver has specific authority to release all claims pursuant to the terms of the Settlement Agreement and to dismiss the claims asserted against M. Lee Pearce in the pending lawsuit with prejudice; that the Receiver has specific authority to execute the Settlement Agreement; and that all creditors, claimants, and interested persons of AmCare-LA are and will be bound by the Settlement Agreement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that notice of this motion and order and the Court's ruling be given by posting a copy of this motion and order and the Court's ruling on the Louisiana Department of Insurance website at www.lds.la.gov ; Office Directory; Receivership; Domestic Receivers in receivership-Open; AmCare Health Plans of Louisiana; Receivership Pleadings and that such notice shall be deemed sufficient notice to all interested persons or entities.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the motion of the Receiver to certify this judgment as a final judgment pursuant to Louisiana Code of Civil Procedure article 1915 be and hereby is granted and this judgment is certified as a final judgment for purposes of appeal.

The Court, in accordance with Louisiana Civil Code Article 1915, designates this as a final judgment by the Court after an express determination that there is no just reason for delay since the judgment rendered by the Court herein dismisses all claims in the recovery actions as to M. Lee Pearce with prejudice.

THUS DONE AND SIGNED this _____ day of _____, 2005 at
Baton Rouge, Louisiana.

JUDGE, NINETEENTH JUDICIAL DISTRICT COURT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing document has been forwarded via First Class Mail, postage prepaid and properly addressed, to the following:

Harry J. Philips, Jr.
Robert W. Barton
Taylor Porter Brooks & Philips
P.O. Box 2471
Baton Rouge, LA 70821-2471

Robert J. Burns, Jr.
Perry, Atkinson, Balhoff, Mengis
& Burns, LLC
P.O. Box 83260
Baton Rouge, LA 70884-3260

Wendell Clark
Patrick Seiter
Adams & Reese
North Tower, 19th Floor
451 Florida Street
Baton Rouge, LA 70801

V. Thomas Clark, Jr.
Crawford Lewis
1600 Bank One Centre, North Tower
450 Laurel Street
P.O. Box 3656, 70821-3656
Baton Rouge, LA 70801

Kelsey Kornick Funes
Phelps Dunbar
City Plaza
445 North Blvd., Suite 701
Baton Rouge, LA 70802

David L. Guerry
Long Law Firm
4041 Essen Lane, Suite 500
Baton Rouge, LA 70809-7319

David H. Topol
Wiley Rein & Fielding, LLP
1776 K Street NW
Washington, DC 20006

George B. Hall
Phelps Dunbar
365 Canal Street, Suite 2000
New Orleans, LA 70130

James C. Percy
Jones, Walker, Waechter, Poitevent,
Carrere & Denegre, L.L.P.
United Plaza Boulevard
Four United Plaza, Fifth Floor
Baton Rouge, LA 70809-7000

Merril Hirsh
Ross, Dixon & Bell
2001 K Street NW
Washington, DC 20006-1040

Claude F. Reynaud, Jr.
Jeanne C. Comeaux
Breazeale, Sachse & Wilson
P.O. Box 3197
Baton Rouge, LA 70821-3197

Mary Olive Pierson
Attorney at Law
8702 Jefferson Highway, Suite B
P.O. Box 14647
Baton Rouge, LA 70898-4647

Joseph J. McKernan
Gordon McKernan
McKernan Law Firm
8710 Jefferson Highway
Baton Rouge, LA 70809

Kimberly S. Morgan
Morgan Law Firm
9456 Jefferson Highway, Suite D
Baton Rouge, Louisiana 70809-2627

Guy M. Hohmann
T. Wade Jeffries
Hohmann, Taube & Summers, L.L.P.
100 Congress Avenue, Suite 1600
Austin, Texas 78701

Keary L. Everitt, Esq. (#1353)
Special Assistant Attorney General
Everitt, Pratt, Latham & Donovan, LLP
1010 Common Street, Suite 2500
New Orleans, Louisiana 70112

Robert B. Bieck, Jr., Esq.
Jones, Walker, Waechter, Poitevent,
Carrere & Denegre, LLP.
201 St. Charles Avenue
New Orleans, Louisiana 70170-5100

Edward J. Walters, Esq.
J. E. Cullens, Jr., Esq.
Moore, Walters, Thompson,
Papillion & Cullens
6513 Perkins Road
Baton Rouge, Louisiana 70808

Jonathan C. Augustine, Esq.
Middleberg, Riddle & Gianna
Bank One Centre, North Tower
450 Laurel Street, Suite 1101
Baton Rouge, Louisiana 70801

Arlene Knighten
Louisiana Department of Insurance
1702 N. Third Street
Baton Rouge, LA 70802

William C. Kaufman, III
Seale, Smith, Zuber & Barnette
8550 United Plaza Boulevard
Suite 200
Baton Rouge, LA 70809

R. James George, Jr.
Gary L. Lewis
George & Brothers
114 W. Seventh Street, Suite 1100
Austin, TX 78707

Douglas Dodds
Amy Clark-Meachum
Pat Lochridge
McGinnis Lochridge & Kilgore
1300 Capital Center
919 Congress Avenue
Austin, TX 78701

on this 14th day of July, 2005.

Sam Buser